8. The Order of the Court of Appeals dated July 7, 1967.

9. Charges and Specifications of the New York City Police Department dated August 4, 1965.

10. Notice of Appeal to the Supreme Court of the United States.

III. The following question is presented by the Appeal:

"Is Article I., Section 6 of the New York State Constitution and Section 1123 of the New York City Charter repugnant to the United States Constitution in that any public officer who refuses to sign a waiver of immunity and claims a privilege against self incrimination suffers a penalty of loss of his position and is barred from public employment for five years under the New York State Constitution and forever under the New York City Charter?"

(Endorsement omitted)

* * * * * * *

(Served Aug. 1, 1967)

Order Noting Probable Jurisdiction

IN THE

SUPREME COURT OF THE UNITED STATES

No. 635—October Term, 1967

ROBERT VINCENT GARDNER,

Appellant,

—v.—

VINCENT L. BRODERICK, as Police Commissioner of the City of New York, and THE CITY OF NEW YORK,

Appellees.

ON APPEAL FROM THE COURT OF APPEALS OF THE STATE OF NEW YORK

In this case probable jurisdiction is noted and the case is placed on the summary calendar.

January 29, 1968.